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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/613,361	07/10/2000	Jay S. Walker	96-139XX	9450
22927	7590	08/28/2006	EXAMINER COLBERT, ELLA	
WALKER DIGITAL 2 HIGH RIDGE PARK STAMFORD, CT 06905			ART UNIT 3693	PAPER NUMBER

DATE MAILED: 08/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/613,361	<b>Applicant(s)</b> WALKER ET AL.	
	<b>Examiner</b> Ella Colbert	<b>Art Unit</b> 3693	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 10 May 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 70-79 and 81-91 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 70-79 and 81-91 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. Claims 70-79 and 81-91 are pending in this communication filed 05/10/06 entered as Appeal Brief and Request for Extension of Time.

#### ***Reopening Prosecution***

2. In view of the Appeal Brief filed on 5/10/06, PROSECUTION IS HEREBY REOPENED, New grounds of rejection are set forth here below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing the last page of this Office action.

The Examiner has given the claims the best rejection that can be given considering the breadth of the claims. The Taskett reference is considered analogous art.

#### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 70-79 and 81-91 are rejected under 35 U.S.C. 103(a) as being unpatentable over (US 5,684,291) Taskett.

With respect to claims 70, 73, 76, 77, 78, 79, and 85, Taskett discloses, A method, a system, a computer-readable storage medium encoded with processing instructions for implementing a method for issuing a gift certificate corresponding to a financial account, comprising the steps of: generating, by a computer, a certificate identifier corresponding to an account identifier that is associated with a financial account, said certificate identifier being different from said account identifier (col. 3 , lines 1-21, col. 5, lines 36-49, and Fig. 2); producing a gift certificate including thereon said certificate identifier (col. 3, lines 21-26 and col. 4, lines 21-26); and distributing said gift certificate to an owner of said financial account (col. 3, lines 38-35, col. 4, lines 35-48, Fig. 1A and Fig. 1B). Taskett discloses a pre-paid telephone card which is analogous to a gift certificate since the pre-paid phone card has a telephone account associated with an identification code and a replacement code associated with an identifier code with the account identifier not on the phone card and distributing the phone card to the owner of an account. The phone card identifier in one instance corresponds to the account identifier and the phone card has an alias identifier (the code that has to be scratched off the card prior to use.

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With respect to claims 73, 77, and 79 Taskett further discloses, a computer means and distributing said gift certificate to a recipient (col. 2, lines 10-12 (computer system) and col. 4, lines 57-67).

With respect to claims 71 and 74, Taskett discloses, wherein the financial account identifier cannot be discerned from the gift certificate identifier by a third party (col. 3, lines 33-27).

With respect to claims 72 and 75, Taskett discloses, further including the steps of: receiving an indication of a gift certificate redemption (col. 4, lines 49-63); and updating stored account data to reflect the redemption (col. 2, lines 10-12, col. 4, lines 33-38, and col. 6, line 61-col. 7, line 17).

With respect to claim 81, A method comprising: Taskett discloses, producing a gift certificate (col. 3, lines 1-21, col. 5, lines 36-49, and Fig. 2); and in which the account identifier identifies a credit card account; and distributing the gift certificate to an owner of the credit card account (col. , lines 33-65).

Taskett failed to disclose, the gift certificate including a sixteen-digit identifier, in which the sixteen-digit certificate is an alias of an account identifier that identifies a financial account. The fact that a gift certificate has a sixteen-digit identifier is considered a design choice. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have the gift certificate to include a sixteen-digit identifier as a design choice, in which the sixteen-digit certificate is an alias of an account identifier that identifies a financial account and to modify in Taskett because such a modification would allow Taskett to have a special program generated

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security numerical indicia defined by a printed character on an unprinted background.

However in Figure 2, Taskett shows a sixteen-digit certificate number that can be used as an alias account identifier to identify a financial account.

With respect to claims 82 and 84, Taskett discloses, in which the gift certificate is for a single use (col. 6, line 61-col. 7, line 10).

With respect to claims 83 and 91, Taskett discloses A method comprising: determining stored account data associated with a financial account (col. 7, line 46-67), in which the account data includes an account identifier that identifies the financial account (col. 8, lines 1-11); generating an alias identifier that provides an indirect link to the financial account, in which the alias identifier is different from the account identifier (col. 2, lines 3-13; producing a gift certificate, the gift certificate including the alias identifier (col. 3, lines 27-37); and providing the gift certificate to a recipient (Col. 4, lines 13-34). Taskett does not expressly disclose an indirect link to the financial account. However, it would have been obvious to one having ordinary skill in the art at the time the invention was made to generate an alias identifier that provides an indirect link to the financial account, in which the alias identifier is different from the account identifier; and to modify in Taskett because such a modification would allow Taskett to have a predetermined number sequence corresponding to the serial number of a particular money order form (gift certificate) which is considered an alias identifier.

Claim 91, Taskett fail to disclose the alias account number comprises at least fifteen numeric digits (Col. 6, line 53-col. 7, line 25 and Fig. 2 -shows an account number with at least fifteen numeric digits); a magnetic stripe card, the magnetic stripe

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card including the alias account number (col. 3, lines 46-56); and providing the magnetic strip card to a recipient (col. 3, lines 46-56, col. 4, lines 21-26, and col. 6, line 61-col. 7, line 25).

With respect to claim 85, this dependent claim is rejected for the similar rationale as given above for claims 70, 73, and 76-79.

With respect to claim 86, this dependent claim is rejected for the similar rationale as given above for claim 81.

With respect to claim 87, Taskett discloses, The method of claim 83, in which the recipient is an owner of the financial account (col. 5, lines 62-66).

With respect to claim 88, Taskett discloses, The method of claim 83, in which the financial account is a credit card account (col. 6, lines 45-52).

With respect to claim 89, Taskett discloses, The method of claim 83, in which the financial account is a checking account (col. 6, lines 45-52).

With respect to claim 90, Taskett discloses, The method of claim 83, in which the gift certificate comprises at least one of: a paper certificate (printed receipt)-col. 3, lines 8-26)); a stored value card (col. 4, lines 49-67); and a magnetic stripe card (col 3, lines 46-56). A pre-paid card always has a stored value. The value being whatever amount of the card that you purchase.

### ***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Nakano et al (US 5,845,260) disclosed parent-controlled charging for on-line services.

Fleming (US 5,953,710) disclosed a children's debit or credit card that allows available credit to be determined by someone other than the card issuer.

Dethloff et al (US 4,837,422) disclosed a multi-user card.

Langhans et al (US 5,621,201) disclosed a purchasing control system that can be customized for a corporate customer.

Wong et al (US 5,913,203) disclosed an anonymous cash-like transaction system.

Brody et al (US 5,350,906) disclosed currency transfer using fixed limits.

Biffar (US 5,903,880) disclosed circulating digital vouchers.

Nichtberger et al (W0 86/03310) disclosed the distribution, redeeming and clearing merchandise coupons.

### **Inquiries**

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ella Colbert whose telephone number is 571-272-6741. The examiner can normally be reached on Tuesday-Thursday, 6:30AM-4:00PM.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on 571-272-6712. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

August 17, 2006

  
ELLA COLBERT  
PRIMARY EXAMINER

James Trammell, SPE

